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U.S. DISTRICT COURT, E.D.N.Y.

★ AUG 23 2005 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JESSIE JAE PARK, et al.

Plaintiffs,

-against-

RAZA PIRZADA, et al.,

Defendants.

ROSS, United States District Judge:

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X

BROOKLYN OFFICE

99 CV 4611 (ARR)(VVP)

NOT FOR
PUBLICATION

OPINION AND ORDER

I have received the oral Report and Recommendation on the instant case dated February 2, 2005 from the Honorable Victor V. Pohorelsky, United States Magistrate Judge. No objections have been filed. Having conducted a *de novo* review of the record, I hereby adopt the Report and Recommendation, in its entirety, as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

Accordingly, because of the failure by the defendants Pirzada and Sidhki to appear on numerous occasions and their failure to respond to an order to show cause which gave clear notice of the continued failure to appear, defendants' answer in the main case is stricken and a default judgment is entered. The third party complaint of defendants Pirzada and Sidhki against State Farm Insurance Company is dismissed with prejudice and judgment shall be entered against defendants-third party plaintiffs Pirzada and Sidhki on those claims.

By agreement of the parties stated on the record of the February 2, 2005 proceeding before Judge Pohorelsky, plaintiffs' direct claim against defendant State Farm Insurance Company is dismissed without prejudice.

The Clerk of the Court is directed to enter judgment accordingly.

SO ORDERED.

Allyne R. Ross
United States District Judge

Dated: August 22, 2005
Brooklyn, New York

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cc: Magistrate Victor V. Pohorelsky